

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

ING BANK N.V.,

Plaintiff

V.

**M/V AGISTRI,
IMO No. 9597018,
her engines, tackle, equipment,
furniture, appurtenances,
etc., *in rem***

Defendant

CIVIL ACTION NO. 3:15-cv-00034
ADMIRALTY

NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff, ING Bank N.V. (hereafter “ING Bank”), through undersigned counsel, files this notice of dismissal of its Verified Complaint against defendant, M/V AGISTRI, IMO No. 9597018, her engines, tackle, equipment, furniture, appurtenances, etc., *in rem* (hereafter the “Vessel”), without prejudice, as follows:

1.

On February 19, 2015, ING Bank filed its Verified Complaint against the Vessel. (Doc. 1.)

2.

On that, this Court entered an Order Authorizing a Warrant of Arrest of the Vessel (Doc. 4), which Warrant for Arrest (Doc. 6) was subsequently issued by the

Clerk of Court, but was not served on the Vessel because it had left the physical jurisdiction of the Court.

3.

As of this date, no opposing party has filed any statement of right or interest, answer or motion for summary judgment.

4.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A) and (B), ING Bank hereby files this notice of dismissal of its Verified Complaint, without prejudice, to its rights in the future to commence other litigation in this Court or in any other court or jurisdiction to arrest the Vessel that may be located within those districts or jurisdictions.

Respectfully submitted:

/s/ Joseph R. MESSA

JOSEPH R. MESSA (#11346)
KING, KREBS & JURGENS, P.L.L.C.

6363 Woodway, Suite 820

Houston, Texas 77057

Telephone: (713) 334-5644

Facsimile: (713) 334-5828

E-mail: jmessa@kingkrebs.com

and

JAMES D. BERCAW

LAURA E. AVERY

(Motion for admission *pro hac vice* to be filed)

KING, KREBS & JURGENS, P.L.L.C.

201 St. Charles Avenue, 45th Floor

New Orleans, Louisiana 70170

Telephone: (504) 582-3800

Facsimile: (504) 582-1233

E-Mail: jbercaw@kingkrebs.com

lavery@kingkrebs.com

Attorneys for ING Bank N.V.